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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,007	03/07/2005	Klaus Schoeller	DE 020204	1124
24737 7590 06/08/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER WALFORD, NATALIE K				
ART UNIT 2879		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,007

Applicant(s)

SCHOELLER ET AL.

Examiner

NATALIE K. WALFORD

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Amendment, filed on March 4, 2009, has been entered and acknowledged by the Examiner. Claims 1-2 and 4-21 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-2 and 4-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muto (US 6,670,765) in view of Langer et al. (US 5,572,091).

Regarding claim 1, Muto discloses a high-pressure discharge lamp (item 10) in figure 1 comprising: an inner vessel with a discharge chamber (item 2), with at least two electrodes (item 3) extending into the discharge chamber, and an outer bulb surrounding the inner vessel (FIG.1, item 1), wherein the discharge chamber contains an ionizable filling comprising: at least one rare gas (column 9, lines 45-47), 0 mg to 10 mg of mercury (column 11, lines 37-41) and a metal halide mixture comprising: 40 to 80% by weight of sodium halide (column 9, line 40), 25 to 55% by weight of scandium halide (column 9, line 40), 1 to 15% by weight of indium halide (column 5, lines 23-26), and 0 to 34% by weight of thallium halide, but does not expressly disclose that the outer bulb comprises glass doped with cerium oxide, the cerium oxide content being substantially 0.1 to 3% by weight with respect to the total weight of the outer bulb, as claimed by

Applicant. Langer is cited to show a discharge lamp in figure 1 with an outer bulb (item 1) that is doped with a cerium oxide content of 0.31% (column 6, lines 33-37). Langer teaches that by using cerium oxide, the UV radiation of the lamp can be attenuated and characteristics are improved (column 3, lines 16-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Muto's invention to include the outer bulb comprises glass doped with cerium oxide, the cerium oxide content being substantially 0.1 to 3% by weight with respect to the total weight of the outer bulb as suggested by Langer for attenuating the UV radiation and improving characteristics of the lamp.

Regarding claim 2, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein a color point of the light emitted by the high-pressure discharge lamp in a CIE 1931 diagram has an X-color coordinate in a range from 0.345 to 0.375 (Muto; see FIG. 8), and a Y-color coordinate in a range from 0.350 to 0.375 (Muto; see FIG. 8).

Regarding claim 4, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein a color temperature of light emitted by the high-pressure discharge lamp lies in a range from 4300 K to 5000 K (Muto; see FIGS. 7 and 8 and column 10, lines 21-35).

Regarding claim 5, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein luminous efficacy of light emitted by the high-pressure discharge lamp is at least ≥ 70 lm/W (Muto; see FIGS. 5 and 7 and column 9, lines 15-17).

Regarding claim 6, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein a color point change with respect to an X-color coordinate and an Y-color coordinate in a CIE 1931 diagram amounts to $\leq 6\%$ over a period of operation of the high-pressure discharge lamp of 1500 hours (Muto; see FIGS. 7 and 8).

Regarding claim 7, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein the at least one rare gas includes xenon (Muto; column 9, lines 45-47), and the ionizable filling further comprises: 50 to 70% by weight of sodium iodide (Muto; column 9, line 40), 30 to 50% by weight of scandium iodide (Muto; column 9, line 40), 1 to 15% by weight of indium iodide (Muto; see column 5, lines 23-26), and 0 to 10 mg mercury (Muto; column 11, lines 37-41).

Regarding claim 8, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein the at least one rare gas includes xenon (Muto; column 9, lines 45-47), and the ionizable filling comprises: 50 to 60% by weight of sodium iodide (Muto; column 9, line 40), 35 to 45% by weight of scandium iodide (Muto; column 9, line 40), 1 to 15% by weight of indium iodide (Muto; column 5, lines 23-26), and 0 to 10 mg mercury (Muto; column 11, lines 37-41).

Regarding claim 9, Muto discloses a lamp comprising an inner vessel (item 2) including an ionizable filling; and an outer bulb (item 2) surrounding the inner vessel, the ionizable filling comprising: at least one rare gas (column 9, lines 45-47), 0 mg to 10 mg of mercury (column 9, lines 45-47), and a metal halide mixture comprising: 40 to 80% by weight of sodium halide (column 9, line 40), 25 to 55% by weight of scandium halide (column 9, line 40), 1 to 15% by

weight of indium halide (column 5, lines 23-26), and 0 to 34% by weight of thallium halide, but does not expressly disclose that the outer bulb includes glass doped with cerium oxide, the cerium oxide content being substantially 0.1 to 3% by weight with respect to the total weight of the outer bulb, as claimed by Applicant. Langer is cited to show a discharge lamp in figure 1 with an outer bulb (item 1) that is doped with a cerium oxide content of 0.31% (column 6, lines 33-37). Langer teaches that by using cerium oxide, the UV radiation of the lamp can be attenuated and characteristics are improved (column 3, lines 16-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Muto's invention to include the outer bulb comprises glass doped with cerium oxide, the cerium oxide content being substantially 0.1 to 3% by weight with respect to the total weight of the outer bulb as suggested by Langer for attenuating the UV radiation and improving characteristics of the lamp.

Regarding claim 10, the combined reference of Muto and Langer disclose a lighting unit (Muto; column 1, lines 9-16) comprising the high-pressure discharge lamp as claimed in claim 1.

Regarding claim 11, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein a color point of light emitting by the high-pressure discharge lamp in a CIE 1931 diagram has a X-color coordinate in a range from 0.350 to 0.370 (Muto; see FIG. 8), and Y-color coordinate in a range from 0.355 to 0.370 (Muto; see FIG. 8).

Regarding claim 12, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein a color point of light emitting by the high-pressure discharge lamp in a CIE 1931 diagram has a X-color coordinate in a range from 0.355 to 0.360 (Muto; see FIG. 8), and Y-color coordinate in a range from 0.350 to 0.375 (Muto; see FIG. 8).

Regarding claim 13, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein a color temperature of light emitted by the high-pressure discharge lamp lies in a range from 4700 K to 4800 K (Muto; see FIGS. 7 and 8 and column 10, lines 21-35).

Regarding claim 14, the combined reference of Muto and Langer disclose the high-pressure discharge lamp as claimed in claim 1, wherein luminous efficacy of light emitted by the high-pressure discharge lamp is at least ≥ 75 lm/W (Muto; see FIGS. 5 and 7 and column 9, lines 15-17).

Regarding claim 15, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein a color point change with respect to an X-color coordinate and an Y-color coordinate in a CIE 1931 diagram amounts to ≤ 5 % over a period of operation of the high-pressure discharge lamp of 1500 hours (Muto; see FIGS. 7 and 8).

Regarding claim 16, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein the glass comprises quartz glass doped with the cerium oxide (Langer; column 6, lines 33-37).

Regarding claim 17, the combined reference of Muto and Langer disclose the high-pressure discharge lamp of claim 1, wherein total content of the metal halide mixture in the ionizable filling calculated as metal iodide amounts to $< 400\mu\text{g}$ (Muto; column 8, lines 46-52 and column 9, lines 43-45).

Regarding claim 18, the combined reference of Muto and Langer disclose the high-pressure discharge lamp claim 17, wherein the percentages by weight for the metal halides, with the exception of scandium halide, relate to corresponding metal mono-halide as part of the total

weight of the metal halide mixture, in relation to the corresponding mono-halide of the ionizable filling (Muto; column 8, lines 46-52 and column 9, lines 43-45).

Regarding claim 19, the combined reference of Muto and Langer disclose the lamp of claim 9, wherein the glass comprises quartz glass doped with the cerium oxide (Langer; column 6, lines 33-37).

Regarding claim 20, the combined reference of Muto and Langer disclose the lamp of claim 9, wherein total content of the metal halide mixture in the ionizable filling calculated as metal iodide amounts to $< 400\mu\text{g}$ (Muto; column 8, lines 46-52 and column 9, lines 43-45).

Regarding claim 21, the combined reference of Muto and Langer disclose the lamp of claim 20, wherein the percentages by weight for the metal halides, with the exception of scandium halide, relate to corresponding metal mono-halide as part of the total weight of the metal halide mixture, in relation to the corresponding mono-halide of the ionizable filling (Muto; column 8, lines 46-52 and column 9, lines 43-45).

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 4-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie K. Walford whose telephone number is (571)-272-6012. The examiner can normally be reached on Monday-Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nkW

/Natalie K. Walford/

Examiner, Art Unit 2879

/NIMESHKUMAR D. PATEL/

Supervisory Patent Examiner, Art Unit 2879